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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Armenia,* Australia,* Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile,* Costa Rica,* Denmark,* Fiji,* Finland,* France, Georgia, Germany, Ghana, Greece,* Honduras,* Iceland,* Israel,* Italy,* Japan,* Latvia, Lithuania,* Luxembourg,* Maldives, Malta,* Mexico, Montenegro,* Netherlands, New Zealand,* Norway,* Panama, Paraguay, Peru,* Philippines, Poland,* Portugal, Republic of Moldova,* Slovakia,* Slovenia, Spain,* Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia, Tunisia,* Turkey,* United States of America,* Uruguay:* draft resolution

31/... The rights of persons with disabilities in situations of risk and humanitarian emergencies

The Human Rights Council,

Recalling the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto,

Bearing in mind the upcoming tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities, to be commemorated in December 2016,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Reaffirming all previous resolutions of the Human Rights Council on the rights of persons with disabilities, the most recent of which was resolution 28/4 of 26 March 2015, and welcoming the efforts of all stakeholders to implement those resolutions,

Acknowledging that international humanitarian law and international human rights law are complementary and mutually reinforcing,

Recognizing that, in situations of armed conflict, States and all parties to armed conflicts have obligations under international humanitarian law with regard to the protection of persons with disabilities,

* Non-member State of the Human Rights Council.

Recalling in particular that article 11 of the Convention on the Rights of Persons with Disabilities provides that States parties to the Convention shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Recognizing that persons with disabilities are often disproportionately affected in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and in their aftermath, and that they are often at increased risk of discrimination, exploitation and violence, including sexual and gender-based violence, and stressing the particular impact that armed conflict has on persons with disabilities,

Stressing the relevance of disaggregated data collection and analysis, including by disability, as applicable, as an important element in the design of inclusive policies, including those relating to situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Recognizing that persons with disabilities require specific protection and safety measures, including in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and recognizing the need to support further participation and inclusion of persons with disabilities in the development of and decision-making processes relating to such measures,

Recognizing also that the needs of persons with disabilities are often overlooked in the early phases of situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and the importance of providing timely and appropriate reintegration and rehabilitation assistance to persons with disabilities, while ensuring that their specific needs are addressed, in particular the needs of women and children with disabilities, such as access to health care, including sexual and reproductive health-care services, psychosocial support and educational programmes,

Recognizing further that participation, accountability, non-discrimination and empowerment are fundamental principles of a human-rights-based approach to disability, and noting article 3 of the Convention on the Rights of Persons with Disabilities in this regard,

Noting the role that innovative means of communication and technology can play with regard to improving accessibility and helping to ensure that no constituency among persons with disabilities is excluded throughout the different stages of emergency response, including preparedness, response, recovery and reconstruction,

Deeply concerned that girls and women with disabilities are often subject to multiple, aggravated or intersecting forms of discrimination and disadvantage,

Deeply concerned also about the particular risk of segregation, abuse and violence, including sexual and gender-based violence against persons with disabilities of all ages, especially in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters,

Welcoming the report of the Special Rapporteur on the rights of persons with disabilities on the participation of persons with disabilities in political and public life and in public decision-making,[1]

[1] A/HRC/31/62.

Noting with appreciation the Sendai Framework for Disaster Risk Reduction 2015-2030, adopted in Sendai, Japan, in March 2015,

Noting with appreciation also the work undertaken in support of the Convention, including the work of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, the report of the Secretary-General on the status of the Convention and the Optional Protocol thereto,[2] and the work of the Committee on the Rights of Persons with Disabilities, the Special Rapporteur, the Special Envoy of the Secretary-General on Disability and Accessibility, the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities and the International Red Cross and Red Crescent Movement,

Noting the preparations for the Social Forum of the Human Rights Council that will be held from 3 to 5 October 2016 in Geneva and that will focus on the promotion and full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities in the context of the tenth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities,

1. *Welcomes* the fact that, to date, 160 States have signed and 161 States and one regional integration organization have ratified or acceded to the Convention on the Rights of Persons with Disabilities, and that 92 States have signed and 88 States have ratified or acceded to the Optional Protocol to the Convention, and calls upon those States and regional integration organizations that have not yet ratified or acceded to the Convention and the Optional Protocol to consider doing so as a matter of priority;

2. *Encourages* States that have ratified the Convention and have submitted one or more reservations to it to initiate a process to review regularly the effect and continued relevance of such reservations, and to consider the possibility of withdrawing them;

3. *Welcomes* the thematic study on the rights of persons with disabilities under article 11 of the Convention, on situations of risk and humanitarian emergencies, prepared by the Office of the United Nations High Commissioner for Human Rights,[3] and calls upon States and all relevant stakeholders to consider its findings and recommendations, with a view to implementing these recommendations as appropriate;

4. *Calls upon* States that are not yet party to the Convention, in accordance with their obligations under international law, including international humanitarian law and human rights law, to take all measures necessary to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

5. *Calls upon* States and all relevant stakeholders to take effective and appropriate steps to facilitate the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, having regard for the measures contemplated by the Convention, and urges States and all relevant stakeholders, in furtherance of this objective to, inter alia:

(*a*) Promote active participation of and meaningful consultation with persons with disabilities and their representative organizations, including women, men, boys and girls with disabilities of all ages, at all levels in a manner consistent with article 4 (3) of the Convention;

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[2] A/69/284.

[3] A/HRC/31/30.

(*b*) Take into account persons with disabilities in their planning, response and recovery actions in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to identify and eliminate obstacles and barriers to ensuring their safety;

(*c*) Ensure the effective management and dissemination of accessible information at all stages of response;

(*d*) Mobilize adequate, timely and predictable resources to operationalize their commitment to emergency preparedness and response that are inclusive of and accessible to persons with disabilities, following a human-rights-based approach to programming;

(*e*) Build the capacity of stakeholders, both military and civilian, and peacekeeping personnel operating in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, regarding the rights of persons with disabilities;

(*f*) Ensure accessibility, including through universal design in programming, and in all post-emergency reconstruction and rebuilding, particularly during planning and reconstruction of infrastructure and public facilities;

(*g*) Promote the inclusion of persons with disabilities in existing United Nations frameworks that address situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

(*h*) Consider developing internationally agreed standards and guidelines on the inclusion of persons with disabilities in humanitarian action;

(*i*) Ensure the meaningful participation of persons with disabilities in processes of monitoring and evaluation of humanitarian assistance, and ensure that they have adequate access to feedback mechanisms during situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

(*j*) Strengthen the collection, management, disaggregation and analysis of information on persons with disabilities in order to foster inclusion and to address discrimination on the basis of disability, including multiple and intersectional forms of discrimination;

(*k*) Encourage national statistical institutions and other participants in the negotiations held by the United Nations Office for Disaster Risk Reduction negotiations on disaster risk reduction indicators and terminology to consider adopting indicators disaggregated by disability status, where relevant, and to ensure that terminology is inclusive of persons with disabilities;

(*l*) Raise awareness of the importance of ensuring the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

6. *Encourages* States to take a human-rights-based approach, in line with the Convention on the Rights of Persons with Disabilities, to the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters;

7. *Urges* all parties to armed conflicts to comply with their obligations under international humanitarian law, including their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, with regard to the respect and protection of persons with disabilities, and to pay attention to the specific needs of persons with disabilities during armed conflicts;

8. *Urges* States to take all appropriate measures to eliminate discrimination against women and girls with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, to promote gender equality and women's empowerment, to address violence against women and girls with disabilities in order to ensure the equal enjoyment of their rights, and to facilitate their role as leaders and active involvement and meaningful participation in decision-making;

9. *Recognizes* the importance of international cooperation and its promotion in support of national efforts to promote the rights of persons with disabilities, including with respect to ensuring the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies;

10. *Encourages* States to engage in international cooperation efforts, where required, aimed at enhancing their national capacities to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, and invites the Office of the High Commissioner and relevant United Nations agencies to consider ways to foster international cooperation activities in this regard;

11. *Encourages* the mobilization of public and private resources on a sustainable basis to mainstream the rights of persons with disabilities in development and underlines the need to promote and strengthen international cooperation at all levels, including with regard to capacity-building and accessible and assistive technology, the exchange of good practices and partnerships for development that are inclusive of persons with disabilities;

12. *Calls upon* States and all relevant stakeholders to ensure that all international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities and does not contribute to creating new barriers for them or reinforce existing inequalities;

13. *Emphasizes* the importance of mainstreaming the rights of persons with disabilities as an integral part of relevant sustainable development strategies, and encourages States to apply a human-rights-based approach, and to intensify efforts to advance the rights of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development, consistent with their international obligations, including by engaging in close consultations with and actively involving persons with disabilities in the reporting processes leading up to the high-level political forum;

14. *Urges* States to continue to support the inclusion of persons with disabilities in the implementation of the 2030 Agenda for Sustainable Development by, inter alia, supporting the disaggregation of data by disability for specific indicators, where relevant, to assist States in measuring the achievement of the 17 Sustainable Development Goals and 169 associated targets and programming policies related to the Goals, following a human-rights-based approach to disability;

15. *Encourages* States to take into account the Convention on the Rights of Persons with Disabilities during the ongoing preparations for and their participation in the World Humanitarian Summit, to be held in Istanbul on 23 and 24 May 2016;

16. *Decides* that its next annual interactive debate on the rights of persons with disabilities will be held at its thirty-fourth session, and that the debate will focus on article 5 of the Convention on the Rights of Persons with Disabilities regarding equality and non-discrimination, and will have international sign interpretation and captioning;

17. *Also decides* that an interactive debate on the rights of persons with disabilities will be held at its thirty-seventh session, and that the debate will focus on article 13 of the Convention on the Rights of Persons with Disabilities regarding access to justice, and will have international sign interpretation and captioning;

18. *Requests* the Office of the High Commissioner to prepare its next annual study on the rights of persons with disabilities with a focus on article 5 of the Convention, and to prepare its subsequent study with a focus on article 13 of the Convention, in consultation with States and other relevant stakeholders, regional organizations, the Special Rapporteur on the rights of persons with disabilities, civil society organizations, including organizations of persons with disabilities, and national human rights institutions, requiring contributions to be submitted in an accessible format, and requests that such stakeholder contributions, and the study and an easy-to-read-version of it, be made available on the website of the Office, in an accessible format, prior to the thirty-fourth and thirty-seventh sessions of the Human Rights Council;

19. *Encourages* the task force of the Human Rights Council on secretariat services and accessibility for persons with disabilities to report orally to the Council on its work;

20. *Urges* States to consider further integrating and mainstreaming the perspective and rights of persons with disabilities into the work of the Human Rights Council;

21. *Encourages* representative organizations of persons with disabilities, civil society, national monitoring bodies and human rights institutions to participate actively in the debates referred to in paragraphs 16 and 17 above, as well as in regular and special sessions of the Human Rights Council and its working groups;

22. *Requests* the Secretary-General, the High Commissioner and United Nations entities to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, also taking into account relevant provisions of the Convention on the Rights of Persons with Disabilities, and underlines that the Human Rights Council, including its Internet resources, should be fully accessible to persons with disabilities;

23. *Requests* the Secretary-General to continue to ensure that the work of the Office of the High Commissioner with respect to the rights of persons with disabilities and the Committee on the Rights of Persons with Disabilities are adequately resourced for the fulfilment of their tasks;

24. *Decides* to remain seized of the matter.